



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Rieping, Mechthild

Appl. No.: 10/733,776

Filed: December 12, 2003

For: **Process for the Fermentative Preparation
of L-Amino Acids Using Strains of the
Enterobacteriaceae Family**

Art Unit: 1652

Examiner: L. Odell

Atty. Dkt.: 7601/80921

Response to Species Election Requirement

Commissioner of Patents
U.S. Patent and Trademark Office
Customer Service Window, **MS Amendment**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Office Action dated February 25, 2005, in which the Examiner imposed a species election requirement on the claims of the above-captioned application, Applicant hereby elects the species set forth in original claim 10.1. Since claims have been amended in accordance with the Second Preliminary Amendment enclosed herewith, this species now appears as paragraph a) in claim 18. Specifically, the elected species is directed to a process involving a microorganism which, in addition to the attenuation of the *yjgF* open reading frame, also has an attenuation of the *tdh* gene product, *e.g.*, the *tdh* gene is underexpressed or not expressed at all. The elected species falls within the scope of all of the claims in the enclosed Second Preliminary Amendment. However, the only claim that reads directly on the elected species, *i.e.*, that recites the inactivation of the *tdh* gene as a limitation, is claim 18, particularly paragraph a).

This election is made without traverse.

Applicant does not believe that any fees, other than those already provided for herewith, are required for the filing of the present document. Nevertheless, any fees that may be needed may be charged to our Deposit Account No. 06-1135 under Order No. 7601/80921.

If, in the opinion of the Examiner, a phone call may help to expedite the prosecution of this application, the Examiner is invited to call Applicant's undersigned attorney at (202) 419-7013.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By



Michael A. Sanzo
Reg. No. 36,912
Attorney for Applicant

Date April 21, 2005
1801 K Street, N.W., Suite 401L
Washington, DC 20006-1201
Telephone: (202) 419-7000